

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company (U 39 E) for Rate and Line Extension Incentives for Conversion of Stationary Agricultural Internal Combustion Equipment to Electric Service.

Application 04-11-007
(Filed November 9, 2004)

Application of Southern California Edison Company (U 338-E) for Rate and Line Extension Incentives for Conversion of Stationary Agricultural Internal Combustion Equipment to Electric Service.

Application 04-11-008
(Filed November 9, 2004)

ADMINISTRATIVE LAW JUDGE'S RULING SHORTENING COMMENT PERIOD ON PROPOSED DECISION PURSUANT TO STIPULATION

The purpose of this ruling is to set forth the due dates for comments and reply comments on the Proposed Decision (PD) being issued today in these proceedings.

Under Pub. Util. Code § 311(d), there must normally be at least a 30-day period for public review and comment on a PD that is issued following a hearing. However, this comment period may be shortened in cases where all of the parties so stipulate. *See*, Pub. Util. Code § 311(g)(2), Rule 77.7(g).

In this case, the parties have entered into such a stipulation. At the second prehearing conference (PHC) held in this matter on February 4, 2005, the parties stipulated that if the PD was mailed on June 7, 2005, opening comments would be due on June 20, and reply comments on June 24, so that the PD could be

considered at the Commission's June 30, 2005 meeting. In the written version of their stipulation, the parties also included the following provision to deal with the possibility that the PD might be issued on a different date:

"Consistent with the intent of the parties, in the event the [PD] is mailed on a different date, the Parties also agree to reduce the period for public review and comment on the [PD] if such reduction is necessary in order to accommodate the Commission's ability to issue a decision at its next scheduled business meeting. Such reduction shall be similar in timing to that provided above, and shall be established at the time of the issuance of the [PD]."¹

Owing to the fact that the parties were able to resolve all of the contested issues in this case in the Joint Settlement they filed on March 30, 2005, it has become possible to issue the PD today rather than on June 7, so that the Commission can consider this matter at its June 16, 2005 business meeting, rather than at the business meeting of June 30. As a result of this situation, it is also necessary to set new dates for opening and reply comments on the PD, as provided for in the parties' stipulation.

Pursuant to the parties' February 9, 2005 stipulation and the discussion set forth above, **IT IS RULED** that:

1. Opening comments on the PD in this matter will be due on June 6, 2005.
1. Reply comments on the PD in this matter will be due on June 10, 2005.

¹ Agreement and Stipulation to Reduce Public Review and Comment Period on Proposed Decision, filed February 9, 2005, pp. 1-2. At the hearing held in this matter on April 7, 2005, counsel for Southern California Edison Company and the Agricultural Energy Consumers Association agreed that this provision was intended to cover a situation where the PD was issued following an all-party settlement, as well as a PD issued after a contested hearing. (April 7 Transcript, pp. 55-56.)

2. In preparing their opening and reply comments, the parties shall observe the page limits and other requirements of Rules 77.3, 77.4 and 77.5 of the Commission's Rules of Practice and Procedure that are not inconsistent with the due dates set forth above.

Dated May 25, 2005, at San Francisco, California.

/s/ A. KIRK MCKENZIE

A. Kirk McKenzie
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Comment Period on Proposed Decision Pursuant to Stipulation on all parties of record in this proceeding or their attorneys of record.

Dated May 25, 2005, at San Francisco, California.

/s/ TERESITA C. GALARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

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A.04-11-007, A.04-11-008 MCK/tcg

(415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.